



LEGAL SERVICES CORPORATION
Office of Program Performance

***PROGRAM QUALITY REPORT – Final
FOR***

***Legal Services of Greater Miami
Recipient Number: 610040***

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TABLE OF CONTENTS

DESCRIPTION	PAGE #
INTRODUCTION	1
PERFORMANCE AREA ONE: Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.	3
PERFORMANCE AREA TWO: Effectiveness in engaging and serving the low-income population throughout the service area.	4
A. Dignity and Sensitivity	4
B. Engagement with and Access by the Low Income Population	5
PERFORMANCE AREA THREE: Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.	8
A. Representation	8
B. Private Attorney Involvement	14
C. Other Services and Activities	15
PERFORMANCE AREA FOUR: Effectiveness of governance, leadership and administration.	15
A. Board Governance	15
B. Leadership	17
C. Management	18
D. Resources Development and Maintenance	22
E. Integration and Coordination	23

INTRODUCTION

Background on the visit

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a program quality visit to Legal Services of Greater Miami, Inc. (LSGMI). The team members were OPP Program Counsel Michael Genz, (team leader); Charles Greenfield, Cheryl Nolan, Glenn Rawdon and consultant Ann Zaragoza.

Program quality visits are designed to ensure that LSC grantees are providing the highest quality legal services to eligible clients. In conducting its assessment, the team carefully reviewed the documents LSC has from the program including its application narrative for 2007, its case service reports (CSRs) and other service reports (OSRs), the numerous documents the program submitted in advance of the visit including advocates' writing samples and a survey of LSGMI staff conducted on the Internet. On site, the team visited the Miami and South Dade offices and interviewed the three members of the Key West office. In addition to speaking to most of the LSGMI staff members, the team met with a sample of board members, judges, members of the bar and community organization members.

In performing its evaluation of the grantee's delivery system, OPP relies on the LSC Act and regulations, LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized according to the four LSC performance areas that cover needs assessment and priority setting; engagement with the low income community; legal work management and the legal work produced; and program management including board governance, leadership, strategic planning, resource development and coordination within the delivery system.

Program overview and summary

Legal Services of Greater Miami was established in 1966; it serves Miami-Dade County and Monroe Counties from three offices – the Miami headquarters office and the South Dade (d.b.a. South Dade Legal Center) and Key West (d.b.a. Legal Services of the Florida Keys) branch offices. The two-county service area, consisting of 2,943 square miles, is mixed, urban, suburban and rural. Its poverty population is 404,943 -- 18% of its overall population. The poverty population is ethnically diverse -- 56% are Hispanic; 31% are black; 12% are white -- non-Hispanic; 7% are "other," and 5% are mixed. It is also diverse linguistically; the primary language of a significant portion of the population is either Spanish or Creole.

The program's legal work is centered on three practice areas: housing; employment and economic security; and community economic development. Fifty three of the 65 staff members work out of the Miami office; nine are at the South Dade office, and three are at Key West. The program coordinates service delivery with its legal aid partners including the Legal Aid Society of the Dade County Bar Association and Put Something Back, the bar association's pro-bono program.

LSGMI maintains a coherent and comprehensive delivery structure. The work that the program does, from the broad structure of its substantive units, to the details of its case handling guidelines, is dictated by its needs assessment and priority setting process. This yearly process leads to modifications of objectives, priorities and case acceptance policies. Resources are sought to support projects implemented to address new priorities identified. LSGMI continually reevaluates the legal needs of its constituency and the program's success in addressing them.

The program is effective in engaging with the low-income population. Its work is conducted in a way so as to affirm the dignity of clients and those applying for help. Its intake system, while not yet the most effective, has been modified to address the needs of applicants who can't get to the office and to better address the needs of those who come to the office. The program is strongly encouraged to continue its efforts to improve the intake system. The program is staffed so as to effectively address the linguistic and cultural characteristics of its clientele. Attorneys and other staff do a great deal of outreach and other legal education; the client population has effective access to the program.

Systems and resources are in place to assure that the program's legal representation and other legal work are of high quality. Its attorneys receive a good deal of training and supervision. The supervisory requirements are clearly spelled out for new attorneys and more experienced attorneys; they are assiduously adhered to. LSGMI's use of specialty units allows for close oversight by specialists; it also creates an environment where legal issues of significance to the client community can be identified and addressed. The number of issues identified and the success of these efforts is testimony to the strategies that the program has employed. Its low case closure numbers are ameliorated by the fact that it engages in some important high resource intensive case work that has yielded good results for its clients. Its continuing work to train and mentor its attorneys and to improve its intake system can be expected to increase case numbers. The program is actively involved in promoting private attorney involvement. It effectively coordinates legal work with other members of the justice system.

The program's board, leadership and management successfully maintain a structure that allows the program to be effective in service to its clients. The board is active and involved in overseeing the work of the program. Their recent fundraising and staff development initiatives are particularly noteworthy. The program's leadership has created a unified vision for the program's work in the next several years; it promotes high standards for all of the program's activities. Its legal, fiscal, human relations and technology managers effectively run their components. While the current technology infrastructure is sufficient to the program's needs, expanding the program's technology and using it to address program client service goals will help the program to be more effective. Its resource development efforts are effectively addressed to supporting the program's priorities as determined by its needs assessment. LSGMI is a leader in collaborating with fellow legal services programs in the region and the state.

Performance Area One. *Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.*

Finding 1. In 2005, the legal services programs in Florida’s legal aid Region 7 conducted a joint needs assessment. Every year since, LSGMI has undertaken an annual assessment of the most pressing legal needs of the service area and adjusted its priorities to address these.

LSGMI conducted its last region 7 evaluation in the fall of 2005 together with its partner providers in the region. Region 7 is coterminous with LSGMI’s service area – Miami-Dade and Monroe Counties. The joint process included the review of demographic data, meetings with the social services providers in Miami-Dade County, consultations with social services providers in Monroe County, staff meetings, surveys of social service providers, judges and clients in the service area. The surveys were administered in English, Spanish and Creole.

In each year following 2005, LSGMI has pursued a needs assessment process to determine the most pressing legal problems and needs. Attorney staff and intake staff meet to discuss client needs and emerging issues. Surveys are also given to clients and other providers in the region. The program examines its intake records to gauge what help they are being asked for. In 2008, a total of 142 completed surveys from clients and the client community were received. Surveys were completed by clients in all three offices and with the help of client board members from their appointing organizations. Some years, the surveys are given to judges.

LSGMI’s priority setting process comes out of its annual needs assessment effort. In setting priorities, the program looks at the needs assessment information gathered from surveys and interviews and at the review of other data. The previous year’s goals are compared to results. Management and senior attorneys review both sets of information and make recommendations to the board for the next year’s priorities.

The board considers priorities and the memo about the legal needs assessment in December or January of each year and determines priorities for the next year. The process for 2009 identified debt collection, children’s medical issues, the needs of military personnel and veterans and employment rights as areas to expand upon. Estate planning work was found not to demonstrate the same need as in the past. Similarly, it was found that other providers in the region are able to handle custody cases.

Recommendation

I.1.1.¹ The team commends the careful yearly process that LSGMI goes through to identify needs and set priorities. Because the region-wide evaluation is almost five years

¹ Recommendations are numbered as follows: the Roman Numeral references the Performance Area followed by the finding number and lastly by the recommendation number that pertains to the finding.

old, LSC suggests that LSGMI work with its Region 7 partners to replicate the 2005 evaluation of needs throughout the region. This would assist in the identification of the totality of unmet legal needs for the region and involve all regional providers in seeking solutions.

Finding 2. The program targets resources to address identified needs.

Once a new priority has been identified, the program is very careful to target resources to address the needs. New priorities are typically identified as projects. An attorney is identified to lead its work. Once the program has done work in the area, it seeks funding to sustain and expand the project's work as more fully described in Finding 20. A recent example of this approach is seen in the program's effort in foreclosure work. When it was clear that representation in this area was a major new need, the project was established and case handling and other efforts were begun. Funding was then sought to expand the program's efforts.

Performance Area Two. *Effectiveness in engaging and serving the low-income population throughout the service area.*

A. Dignity and Sensitivity.

Finding 3. LSGMI demonstrates its concern for the dignity and sensitivity of its clients in many ways, particularly through the diverse staff it employs; the language resources it has at its disposal; and the care that it takes to provide diversity training.

The program has a positive reputation among client and community groups. The community partners and one client interviewed indicated that clients are treated with dignity and sensitivity by program staff. The program regularly keeps clients informed of developments in their cases. Clients are consulted if significant changes in case strategy are contemplated. LSGMI gauges client satisfaction for many clients by use of surveys sent at closing.

From observations of facilities, waiting rooms are clean and comfortable. A video of legal information is on display in the Miami and South Dade waiting areas. Privacy is maintained for interviews with applicants and clients. The program's office buildings are in accessible locations and are handicap accessible.

Perhaps LSGMI's most extraordinary effort to address the dignity and sensitivity of its clients concerns its efforts to address language and cultural diversity. As noted above, LSGMI serves a very diverse community including a significant number of persons whose primary language is either Spanish or Creole. The program has met the language need by the presence of numerous staff members who speak Spanish and Creole. At the end of 2008 approximately 30 of the program's 65 staff members spoke Spanish and 10 spoke Creole. The only relative need in terms of staffing is that there is only one Creole-

speaking attorney and therefore she is the only one who can do outreach, without the assistance of an interpreter, that requires an attorney's presence.

There are two full-time staff translators – one who translates Spanish and one Creole. The program also has a Spanish translator on contract as needed for South Dade and the Keys. The translators were highly praised by the staff the team spoke to. They receive documents to translate by email; they turn them around within 48 hours. No complaints about late translations were noted. Several staff members who are fluent in Spanish or Creole nonetheless use the services of the translators in order to produce a better product more quickly. The translators also provide interpretation services. When an attorney needs to meet with a client and needs an interpreter, the receptionist arranges it.

LSGMI employs an ethnically diverse staff. In 2008, 42% of the staff were Hispanic; 22% were black; 33% were white/non-Hispanic and 3% were other. Many of the staff members the team talked to report that they have recently had diversity training.

Finding 4. The program's new intake policies and procedures are a significant improvement over the former intake procedures. More improvements are needed.

In the last two years, LSGMI has restructured its intake system to offer telephone intake and to shorten waiting times for those who come to the office. The creation of the intake director position has had the result of coordinating intake in the main office and of taking the burden of answering intake-related questions from the other attorneys on staff. These changes came about as a result of LSGMI's visioning process that began in 2006.

In the main office, procedures differ depending on whether the applicant comes into the office or calls. In-person intake is between 8:30 and 12:30 Monday through Thursday. The receptionist signs the applicant in and finds out whether the case presented is one the program handles; the intake paralegal then does financial and other eligibility screening. Generally the applicant who is eligible sees the attorney of the day within two hours of arrival, although some wait for a longer period. Walk-in applicants are given the option of a call back in lieu of waiting. Those who come to the office after 12:30 are called back the next day.

Those who call in to the office speak to the switchboard operator rather than the receptionist. The switchboard operator screens out criminal cases and other cases that the program doesn't handle. The program's phone system does not allow queuing, call distribution or call load monitoring. Callers will receive two call backs from the office – one from the intake paralegal and, when determined to be financially eligible, a second from the attorney of the day. The operator gets the name, call back number and legal problem type. The intake paralegal calls back within 24 hours to determine eligibility and obtain a very brief summary of the facts.

If the intake paralegal finds the applicant to be eligible, the attorney of the day calls back – usually on either the second or third day after the initial call. Callbacks are not made on Friday except in cases of emergency. Once the attorney has determined that there is

no conflict and conducted a substantive interview, a face to face meeting may be required before the applicant is considered for extended representation. Whether advice and brief service is given or the case is brought to the Friday case review meeting is a decision for the attorney, sometimes in consultation with the supervisor, to make. In some cases, a case is assigned for extended representation without being brought to the case review meeting.

While the other two offices also accommodate phone and in-person intake, their procedures differ from those in Miami and from each other. In South Dade, there is initial eligibility and substantive screening by the intake paralegal whether it is by phone or in-person. The applicant completes the intake process and then makes an appointment to see an attorney. Intake is open daily between 9:15 a.m. and 11:30 a.m. and between 1:15 p.m. and 4:00 p.m. Housing appointments are Tuesday and Wednesday; employment and economic security (EES) appointments are Tuesday and Thursday. Cases are generally considered for full representation at the Friday meetings in Miami.

Because of the distances involved in the Keys, intake in the Monroe County office is more centered on telephone intake. The office advertises “Legal Line” where the intake specialist does screening and, if possible, gives advice. If there is a case that can be afforded full representation, a meeting with the attorney is set up.

Intake hours are accessible to those who work by being available during lunch. The office has an outreach clinic in the evening hours at the Workers Center twice a month. The program facilitates referrals to other non-LSC providers with a referral manual given to all intake staff. The program is planning to post this on a wiki. Applicants whose access is limited by geography, disability or limited English proficiency, are assisted by staff translators, LanguageLine, outreach intake and telephone intake.

While the current Miami intake system is a considerable improvement over the prior intake procedure that involved application forms and very substantial waits and could only be done in person, still more can be done to improve the process. Wait times continue to be long. As described above, those who call face a complex process before they meet with the attorney. Attorneys spend a good portion of their time on intake. They expand on the screening by doing conflict checks. If the attorney’s first contact with the applicant is a telephone callback, the attorney typically sets a time for a face-to-face interview. If there is a possibility the case will be taken for full representation, the attorney needs to present it at the Friday case review meeting. Three quarters of the applicants who go through this complex process and are determined to be eligible are only afforded advice and brief service.

Models for a more streamlined system are found in other parts of the program. The South Dade office screens for eligibility on the first call. The Monroe County office performs intake, advice and brief service by phone. The program’s Renters Education and Advocacy Line (REAL) is a hotline providing advice and brief service for private tenants – an area not addressed by the program before it was established. It grew out of the need the program saw coming out of its homeless project work. The applicant is

screened on the first call. Then law clerks either take the call or call back. The REAL wiki assists the law clerks in giving step-by-step advice. The project has developed an extensive series of pamphlets, available in English, Spanish and Creole, that cover the basic information applicants need.

Recommendations:

II.4.1. The program should consider using intake paralegals to check conflicts and fully screen applicants. The new intake director position provides the requisite supervision and opportunity for training to support this change. Scripts and checklists can be developed so that attorneys can be assured that they get appropriate information. This would free some of the time attorneys spend on intake.

II.4.2. LSC recommends that the program continue to expand and improve its telephone intake. It should look to reduce call backs to a minimum. Eligibility screening should be accomplished as early in the process as possible, preferably at the first call. At a minimum, case types that clearly do not meet LSGMI's priorities or are not within its jurisdiction should be identified and referred out at the first contact. LSGMI should look to expand its capacity to complete eligibility screening during the first call by upgrading the phone system to allow automatic call distribution, (ACD) queuing and call management software. Automatic call distribution would make it possible for intakes in several offices to be handled by one system and to be distributed to available staff members in any of the three offices.

II.4.3. Telephone advice should be given if it appears that extended representation will not be provided. To the extent necessary, LSGMI should clarify its case acceptance policies to identify case types for which extended representation will be unlikely to be provided. LSGMI should consider accepting and assigning routine cases clearly within its case acceptance policies for full or extended representation prior to the weekly case acceptance meeting and bring only those novel or complex cases that require group discussion to the case acceptance meeting. This would further streamline the case acceptance process.

II.4.4. In the future, the program is encouraged to consider expanding the intake function so that paralegals provide advice and counsel under the supervision of the intake attorney for certain limited problems such as security deposit issues, and filing in small claims court. This can promote more extended service representation as it frees up attorney time.

B. Engagement with and access by the low-income population

Finding 5. The program is aware of and does outreach to the major segments of the low-income population in its service area through its relationships with many social services organizations and the many projects it operates.

LSGMI works hard to engage in outreach efforts. In 2008, 26 staff members made more than 140 presentations to more than 2,600 persons.

Several of LSGMI's ongoing projects involve outreach to community organizations. Attorneys go to the Miami Workers' Center twice a month. Housing staff meet regularly with low-income tenant groups. As part of the Little Havana Project, the program does intake and makes community education presentations in Little Havana, a Miami neighborhood. In connection with its Homeless Legal Advocacy Project, staff members go to one of two shelters every week to meet with people there. In its Transitioning Youth Foster Care Project, LSGMI works with two other legal services organizations to do outreach – including using a MySpace[®] profile – to young persons transitioning out of foster care.

LSGMI's networking with other organizations assists access to their services by low-income persons. The Region 7 partners alert each other to problems they are finding and refer clients they encounter to the provider with the appropriate area of specialization. Through its community economic development unit, the program is intimately involved with the non-profit community that is concentrating on developing and maintaining affordable housing. Individual staff members also engage in networking activities. Staff meet regularly with leaders of the Department of Children and families and with Ryan White councils. The legal administrator is currently meeting with each of the Miami-Dade County Commissioners and their staffs to inform them of LSGMI's work and to encourage referrals.

With respect to engagement and access, the program is to be praised for having a fully staffed office in the Keys. The directing attorney of the West Keys office is the director of the Keys' Inter-Agency Council – an organization comprising 30 social services agencies. Its monthly meetings consist of presentations and information sharing. The office works closely with the domestic violence shelters.

It appears that these efforts are working. Community members the team talked to report that access to and utilization by the program is good. They note that the program's language and cultural credentials provide it inroads to communities that are traditionally underserved. Their projects on behalf of the elderly; the disabled, including those with AIDS; and homeless persons provides them access to these communities.

Performance Area Three. *Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area*

A. Representation

Finding 6. LSGMI uses training and careful legal work oversight to develop the necessary expertise in its relatively young advocate staff. Training and legal work oversight continue to be emphasized for more experienced staff.

Of LSGMI's 30 attorneys, 13 have less than three years of tenure with the program. The median tenure of incumbent attorneys is three years. Part of the explanation for relatively low tenure can doubtless be found in the traditional turnover issues of relatively low salaries in comparison to large law firms and other potential placements in the Miami area. Several LSGMI management members we spoke to noted that most of the 2007 class has already left. In 2007, LSGMI found out about most of its openings close to the time to form a class; they were less rigorous in their selection criteria than usual.

LSGMI is working hard to take steps to assure that its young attorneys stay and develop their expertise. In addressing the pay issue, the program is the beneficiary of the Florida Bar Foundation's (FBF) funding to raise salaries and to offer Loan Repayment Assistance Program subsidies. Currently, the starting salary for new attorneys admitted to the Florida Bar is \$50,000. The program adds to those incentives access to excellent training and careful mentoring and oversight by its supervising attorneys. Recently it has begun seeking attorneys with some previous legal experience.

The regimen of training and mentoring that LSGMI provides new attorneys is intense. For every class, the program puts on a week-long substantive law training in its priority areas. During the first three months of a new attorney's tenure, the supervisor meets with him or her to review the attorney's cases weekly. First, the new attorney sits in on trials or hearings; next, the supervising attorney accompanies the new attorney to the hearings or trials. The new attorneys the team talked to all indicated that they had gone to NITA-style trial advocacy training; most had also attended an additional major training such as affirmative action training or training on relevant substantive law areas. Frequent case reviews continue throughout the first year; their frequency and the nature of the supervisor's oversight depends on the evaluations that occur at the end of three months and again at the six month mark.

Legal work training and oversight continues for attorneys after the first year. LSGMI has adopted excellent written policies to insure the effective supervision of all of the organization's legal work. The policies require regular evaluations and caseload review for more experienced attorneys. Interviews with staff attorneys and supervising attorneys indicate that supervisors strictly follow the program's written policies, including the supervision standards. These policies have ensured that the work product of its newer attorneys is strictly monitored and that the attorneys receive ongoing feedback and training by their supervisors.

The program has demonstrated a commitment to providing training opportunities for its advocates. Last year, the organization expended over \$40,000 to train attorneys. Many attorneys reported attending several national trainings including those on consumer, housing and foreclosure issues. All are encouraged to attend FBF training and participate in state task forces and listservs. The program also does in-house training for advocates.

LSGMI is, of course, not only interested in keeping and developing its attorneys through their first three years, but also throughout their legal careers. Not surprisingly, the new attorneys expressed more satisfaction with their growth and development than did more

experienced attorneys. One of the potential problems of the specialist model that LSGMI has is that, over time, work can become routine. The program addresses this by developing specialized projects that give attorneys a chance to learn new areas of the law and to learn leadership. It is also addressed, as is discussed in Finding 8 below, by identifying and addressing systemic issues. Also, management moves staff around to give them new challenges. While this is a good thing, management might be advised to be more interactive and/or communicative with staff about why a move is contemplated. Attorneys who were pleased with their new assignments reported not being consulted or told why their job assignments were changing.

Finding 7. LSGMI's legal work in Miami-Dade County is structured around its three substantive law units that implement its priorities by concentrating on the cases and other services identified as the highest need for each priority. While the Key West office maintains some connection to the work of the units, they are necessarily generalists.

As noted above, LSGMI's priorities are housing; employment and economic security; and community and economic development. Its case-handling staff are attached to one of these units and do their work as specialists within the unit.

The housing unit is subdivided to conform to its current two major areas of need – protecting those threatened with mortgages foreclosures and preserving the right to subsidized housing. The decision to make housing foreclosure its own project comes from the need in the service area. Foreclosures have gone up in Miami-Dade County from 9,000 in 2006 to 56,000 in 2008. LSGMI was successful in expanding the project by utilizing funding from the Institute for Foreclosure Legal Assistance and, to a lesser extent, from NeighborWorks. They are attempting to deal with predatory lenders and mortgage rescue frauds and other malefactors and are also seeking to establish a court mediation structure that would help more people remain in their homes. They are working with an interested judge to develop a mediation requirement for foreclosure cases. They are also looking into the possibility of establishing a pro bono project to assist those whose homes are in danger.

With respect to rental housing, the program concentrates on public and subsidized housing because being entitled to subsidized housing is a valuable right that often means the difference between having decent housing and either living in substandard housing or being homeless. The unit concentrates on eviction defense with five housing authorities.

The employment and economic security unit (EES) handles food stamps, SSI, unemployment insurance compensation and other benefit programs. The SSI cases they handle are for HIV patients, homeless persons and children. Special projects include the special education advocacy project and the low income tax payers project. Three major issues the program is dealing with this year are due process problems with food stamp notices; the lack of guidelines and case law for Medicaid waivers; and the long waits for public benefits decisions occasioned in part by the rapid increase in applications.

The two attorneys in the community and economic development unit (CED) concentrate on working with non-profit developers and government units to preserve and create housing for low-income people. Due to the current economic situation they are concentrating on projects that work with the existing housing stock and projects that involve rental housing as well as ownership properties. Non-profit developers are among their clients. They help these developers buy homes abandoned by foreclosure and do whatever construction is necessary to put families into them. Some foreclosed properties are being transformed into rental properties. They are also seeking to preserve affordable housing that has become uninhabitable or that is a candidate for condominium conversion. While they engage in litigation and alternate dispute resolution, their primary ways of proceeding are to create collaborations with developers, residents and governmental units.

Because of the small size of the Key West office, the relatively small poverty population that it serves, its distance from Miami and the fact that the office handles domestic cases that the Miami-Dade County staff don't handle, the Key West office does not fit into the specialization substantive law unit model of the rest of the program. The Key West office attorneys do not specialize; they do not participate in the case review meetings of the housing and EES units. Because there is no other organization to handle domestic cases, the Key West office does them. They do, however, maintain some connection with the housing and EES units. For example, the directing attorney is currently co-counseling with the senior attorney of the housing unit, and both attorneys participate on the EES listserv.

The remoteness of the Key West office is a challenge also within the office's service area. The distance between the South Keys, where the office is located, and the North Keys means that it is difficult for the two attorneys to serve the northern part of their service area.

Recommendation

III.7.1. LSGMI management is urged to re-examine the delivery strategy for the Key West office to see if there is some strategy, or combination of strategies, including video-conferencing, that can help to ameliorate the remoteness issues and resource limitations that affect the Key West office client community and staff.

Finding 8. Despite the number of relatively inexperienced advocates that LSGMI has added to its staff, the program is bringing significant cases and doing high quality legal work.

As suggested by the description of the work of the substantive law units in Finding 7, the program is concentrating on strategically important work within its substantive law areas. Many efforts to preserve affordable housing have been successful; others are underway. A settlement of a case LSGMI brought against an illegal condominium conversion led to tenants being able to get cash payments or remain in the building under favorable terms with reduced rent. They assisted a non-profit corporation in taking over a failing

apartment complex and preserving it as affordable housing. They have won significant victories in cases with the Miami Dade Housing Agency and Hialeah Housing authority that enforce housing laws and due process. In one settlement with the Miami Dade Housing Authority, the Authority agreed to make significant changes to its program to prevent future due process violations. A similar due process case is underway with the Hialeah Housing Authority and with Bahama Village in Key West. In a current case involving a Section 8 tenant, they are arguing that the Section 8 contract preempts the state foreclosure law and means that the new owner must take the property subject to the Section 8 lease. The CED unit is helping non-profit developers create or save many housing units for low income persons. The mortgage foreclosure office has successfully represented many clients subject to foreclosure including those subject to predatory lending schemes.

Similar efforts are underway in the public benefits area. The unit is working with the Department of Children and Families to revamp food stamp notices to identify why the agency has determined ineligibility. A suit in court over the process of denying supportive services – a person who needed a car to get work – led to the plaintiff getting a car and to application procedures that guarantee due process. The unit is currently working on several cases where recipients of Medicaid waiver benefits are being capped at levels much lower than what they had previously received before the establishment of caps. The unit has successfully represented many immigrants whose SSI benefits were terminated upon their failure to become citizens within seven years due to the extenuating circumstances of the process they faced and the effects of their disabilities on the process. LSGMI is representing many clients on the issue of the way the Social Security Administration is calculating the seven year period.

The team's review indicates that the legal work that is being done is of high quality. All of the judges interviewed praised the work of the LSGMI attorneys, referring to them as "some of the best and most skilled attorneys" in their courts and "exceptional" and "zealous" lawyers. Of the twenty five writing samples that the team reviewed, it found almost all of them to be of high or very high quality commensurate with the author's level of experience.

Finding 9. LSGMI's case closure numbers per 10,000 poor persons are significantly lower than the national median. There are several explanations for this. The program is addressing two areas that can lead to higher productivity.

In 2007, LSGMI closed 98 cases per 10,000 poor persons and 22 extended cases per 10,000 poor persons. This is significantly lower than the national median of 253 cases and 53 extended cases. That LSGMI's non-LSC funding is lower than average, that LSGMI spends considerable extra resources serving its LEP clients and that it engages in some potentially very valuable casework that requires intensive resources but generates few cases numbers are three explanations that probably go a significant way towards explaining the very low numbers.

Programs such as LSGMI that receive less than the average amount of overall funding can be expected to produce fewer than the average number of cases. While on average, LSC funded programs received 57% of their funding from non-LSC sources, LSGMI only received 39% from non-LSC sources. The low percentage of non-LSC funding is explained by the significant amount of FBF funding that goes to the other legal aid programs in Region 7 who provide services in substantive areas that LSGMI doesn't address. It is reasonable to assume that LSGMI would be handling more cases if its total funding was higher.

Another factor that, in all probability affects the number of cases LSGMI is able to generate is the high number of clients for whom English is not their first language. As noted above, LSC applauds LSGMI's efforts to have bi-lingual staff for both Creole and Spanish and to have full-time translators for both languages. Their accomplishment in this regard is fully in line with the LSC Performance Criteria standard on language accessibility. At the same time, there is no doubt that this effort takes resources that programs that do not have the same LEP population or that don't serve them as effectively as LSGMI does, can use for general case handling.

A third factor that affects case numbers is the presence of some high intensity cases whose value to the community far outstrips their number. As described in Findings 7 and 8 above, LSGMI engages in some very effective work that doesn't produce significant case numbers including its CED work and its work to address systemic issues through litigation, negotiations with social services providers and housing authorities. While it is hard to measure the impact of this work on the program's overall case numbers, there is no doubt that that there is one.

The number of cases a program can generate is also affected by the experience and expertise of the program's staff and by the efficiency and effectiveness of the intake system. The program is working on both of these areas; their success can be expected to affect the number of cases the program is capable of handling. As noted in Finding 6, because of the high turnover rate the program has experienced – particularly recently – it is working hard to develop expertise and keep new attorneys. This effort is very resource intensive – it involves high levels of training and oversight that affect them and those who supervise them. Management's efforts in this area can be expected to expand its staff's capacity to do both better legal work and more legal work.

While LSGMI's intake system has improved, it is still very resource intensive. As discussed in Finding 4, the structure and design of LSGMI's intake system places much of the burden of conducting intake on the case-handling attorneys, and not on other intake workers.

Recommendation

III.9.1. LSC recommends that LSGMI review its service delivery to determine if there are areas that could be made more efficient and result in increased service to the client community.

B. Private Attorney Involvement

Finding 10. The program's PAI effort involves a coalition with several bar associations. LSGMI is actively considering new special projects to attract pro bono interest.

The director of client services supervises the PAI operation. LSGMI makes use of the Dade County Bar Association's "Put Something Back" (PSB) pro bono program that attempts to place the cases that are transferred to them by LSGMI. When the program is notified that the case has been placed, the LSGMI file is kept open until the case has been completed. During the pendency of cases, the program periodically sends PSB a status report form that PSB sends back with information on where the case stands. Both the Cuban American Bar Association (CABA) and the Bankruptcy Bar Association also place pro bono cases. CABA receives funding from FBF for its pro bono work. LSGMI has a subcontract with PSB for its Low Income Tax Clinic. PSB places tax cases that are appropriate for referral with pro bono attorneys.

PSB also provides attorneys for the small claims court clinic. This clinic is at the LSGMI offices and is supervised by the CED unit attorneys. The staff member who does intake for the project receives the cases that fall within the small claims court's jurisdiction, screens them for eligibility, has a folder made and then collects demographic and legal information and makes a determination about LEP needs. Up to 25 slots are filled for the clinic that is held every other Thursday from 5:00 to 8:00. The supervising attorney of the CED unit helps to process the screening of clients and to coordinate the pro bono attorney volunteers. The private attorneys give the clients specific advice on filing and carrying out these cases.

The program is considering several possible special projects to attract pro bono attorneys. Debt collection, foreclosure and bankruptcy issues and the REAL project are among the possibilities under consideration. Working with private attorneys is being explored in other ways. One large law firm is co-counseling on a significant subsidized housing case. Another one is taking children's disability cases. Also, LSGMI participates with the newly formed Miami Roundtable. The group is brainstorming ways to expand significant case work through pro bono efforts.

PAI presents a special challenge in the Keys. The program is without a partner like PSB to recruit private attorneys and place cases. Representation itself in the Keys presents a problem because the northern Keys are more than two hours from the program's Key West office. Pro bono recruitment has not proven effective there because of the small number of attorneys and remote distances. In the past, the Key West office has hired a contract attorney to do domestic case work.

LSGMI's 2008 PAI plan is responsive to the regulation and accurately describes the activities being pursued.

Recommendation

III. 10.1. It is recommended that the program consider utilizing PAI attorneys, including contract attorneys if necessary, as one possible way to address the need for representation in the northern Keys.

III. 10.2. LSGMI is encouraged to consider setting up a pro bono advice line to provide advice to cases identified for simple advice.

C. Other Services and Activities

Finding 11. LSGMI engages in a considerable amount of outreach and community education activities. Also, the program is actively involved in coordinating its activities with other partners.

The Director of Client Services coordinates the program's community education projects. She makes sure that the program has developed a wide range of community education materials; each pamphlet is available in English, Spanish and Creole. They are in the process of revising them so that they are written in appropriately plain and clear language. LSGMI's website is being revised; it has CLE materials. The program also contributes to the statewide website. As described in Finding 5, LSGMI staff are actively involved in community activities.

The program actively coordinates its efforts with other organizations in the service area. Many of these are discussed in other sections of this report. As discussed in Finding 20, LSGMI initiated and runs the Region 7 impact litigation committee that coordinates the efforts of a number of different legal providers in identifying common issues and attempting to find solutions. The CED unit's activities with other organizations, discussed above, are an outstanding example of partnerships with other organizations that accomplish significant results for the client community. A South Dade attorney is working with a judge to help her develop a small claims court pro se clinic. The foreclosure project senior attorney is working with a judge to develop a foreclosure mediation project. These projects have the potential to be of significant assistance to the client population.

Performance Area Four. *Effectiveness of governance, leadership and administration.*

A. Board governance

Finding 12. LSGMI's board is involved in major policy decisions and exercises effective oversight over the program. Board members are enthusiastic supporters of the program and passionately articulate the mission of the organization. They have taken the initiative to raise funds for the program, to communicate with community organizations about its work and to help develop its new attorneys.

The 42-member board (with 14 client eligible members) meets quarterly. Committees regularly meet between board meetings and report activities at board meetings. There is a report from staff members on the program's legal work at every meeting and a report from the controller at every meeting. Board members are active in discussing issues at board meetings. Management's interaction with the board was praised by board members who uniformly conclude that they are well-informed and effectively utilized.

Team members were impressed with the commitment to and knowledge of the program demonstrated by each board member interviewed. Major policy decisions made over the last year include reviewing the annual assessment of legal needs and determining the program's priorities, development of a private bar fundraising drive, development of a board-staff mentoring program, and approval of a new sexual harassment policy. While most board members the board spoke to say that they defer to the staff on the assessment of legal needs and the determination of priorities, they actively participate in the process. Two years ago, board members participated in the program's visioning process – an exercise that was favorably viewed by members and that led to changes, including changes in the role of client eligible board members.

The board's active role in addressing needs of the program is seen in its participation in the program's fundraising efforts and in its initiatives to develop and retain new attorney staff. The board's fundraising committee, together with a fundraising advisory board, is working with staff to launch a very ambitious fundraising campaign. One board member accompanied the executive director to a MIE fundraising training event and another board member and the executive director attended the ABA Section of Litigation fundraising training. In response to the board's interest in developing and retaining attorney staff, they established the board-staff relations committee whose mission is to get new staff members connected with the bench and to promote their professional development. The committee sponsors lunches attended by judges and young staff members and is beginning work on a mentoring program for new attorneys fashioned around the Inns of Court model. Committee members' work has also led to articles about legal aid topics in the Miami-Dade County Bar magazine.

Client-eligible board members play a significant role on the board. Client-eligible members meet one hour before each board meeting with the executive director and others to discuss issues on the board's agenda. The resource development administrator is the staff's liaison for client board members. She regularly contacts client members between meetings and sends them information about issues that impact the poverty community. Client members ask questions and participate in the discussion of issues on the board's agenda. Outside of meetings, they take back information to their appointing organizations about the work that the program is doing. They take the needs assessment surveys back to their organizations and get them filled out. There is always at least one client-eligible board member on the executive committee.

While the board appears to be overall very pleased with the program, its leadership and their role in it, a few members noted a couple of areas for improvement. A client board member expressed interest in periodic training on LSC regulations, fiscal oversight and

board member responsibilities. One board member observed that the board has several members who routinely do not come to meetings. While board members report receiving a great deal of evaluative information about the program, a few noted the lack of a periodic formal evaluation process other than that which occurs during the yearly needs assessment process. In response to team members' questions, board members noted that the executive director, who board members uniformly praised, has not been formally evaluated in some time.

Recommendations

IV.12.1. It is recommended that the program survey board members to ascertain their interest in training and endeavor to provide the training requested.

IV.12.2. The board is encouraged to address the issue of whether there are board members who are routinely absent and, if so, whether they should be removed from the board.

IV.12.3. Because the value of formal periodic evaluations is generally recognized, the board is encouraged to undertake a formal periodic evaluation of the executive director and to review its program evaluation practice to gauge its sufficiency.

B. Leadership

Finding 13. LSGMI's leadership has worked to establish a shared sense of vision and mission for the program. The executive director's efforts are respected; she is recognized as the program's leader.

The visioning process that has developed in the last three years has been an effective approach to developing a shared vision and strategizing for the future direction of the program. In March 2005, program leadership determined that client needs were changing and that LSGMI needed to adapt to these changes. An additional impetus for the process was a sense leadership had that some of the younger staff didn't connect with the legal services vision of working with community groups and going out into the community in the same way seasoned staff did. In consultation with NLADA and other consultants, leadership began a visioning process involving the board and staff. The issue of the program's role was fully addressed in the visioning process. The conclusion is summarized in the vision statement, "[w]e are passionately committed to Equal Justice. Through aggressive advocacy and innovative collaboration with our community partners, we strive to empower our clients and alleviate the hardships of poverty."

Through the visioning process they identified changes that needed to be made including improvements to the intake system, a new emphasis on diversity training, and a reorientation of case work to reflect the fact that low-income persons are increasingly in the workforce and have different legal needs. The initial retreats led to the formation of the Guiding Coalition committee that continues to address needed change. The coalition

has representatives from management and staff, including a representative from the union.

Staff members the team spoke to indicated that the executive director is the unquestioned leader of the program. They indicated that they are clear about and in agreement with the program's vision and mission. They credited the visioning process for helping to establish a unified mission and vision and for improving communication and morale.

Finding 14. In policies and practice, the leadership emphasizes the achievement of goals and objectives. One of the ways it does so is through the conscious development of leadership skills in staff.

LSGMI's leadership is strategic in its essence. Rather than being wedded to any one way of doing things, the program is committed to the goal of responding to the needs of its clients. Every year it reviews its priorities and case handling guidelines and makes modifications as necessary. When new areas of need are identified, LSGMI seeks the funding necessary to expand its work. Its visioning process came out of the concern that changes needed to be made and has led to important changes such as that to the intake system. Program leadership continues to be open to more changes in intake.

Currently, the program's leadership is dealing with the need to develop expertise in its young attorney staff. It is using every tool at its disposal to do this, including training, mentoring, legal work supervision and evaluation. As if to make clear the importance of accomplishing the program's goals, each staff member's performance evaluation process ends in the executive director's office.

One way in which the program promotes excellence is through the development of new leadership. The program is actively seeking to give its attorneys leadership opportunities. When the deputy director left the program, two new leadership positions were established to give leadership positions to two proven attorneys. Also, a new intake director position was created for another highly credential attorney.

The program also provides opportunities for the development of leadership skills by giving many staff members, even relatively new staff, responsibility to oversee special projects. Other opportunities include involvement in the litigation committee, Guiding Coalition, the visioning process, attorney recruitment and hiring committee, the Region 7 impact litigation committee and the law clerk program. As noted above, unit and project assignments are shifted from time to time to offer new challenges to those who no longer feel challenged.

C. Management

Finding 15. The program has very capable and experienced management team.

All of the staff members the team spoke to indicated that LSGMI is a carefully and tightly run organization. The executive director is directly involved in all aspects of the

program's operation. She is a key member of the management team that oversees the way legal work is conducted as well as of the management teams that relate to the administration of the program. For legal work management, the team consists of the executive director, the director of grant development and funder relations, the senior attorneys for the housing team and the EES team, the supervising attorney for CED, the director of client services and the directing attorney for the Keys. The executive director is also a member of smaller management teams for technology, finance and human resources.

As noted in Finding 14, the management structure has recently been changed. The long-term deputy director left the program last year. There are two new important management positions – the director of client services and the director of operations and human resources. These were among the steps that were taken to equitably spread the management function. These changes were in partial response to the visioning efforts discussed above.

The director of grant development and funder relations oversees grant applications and reports. This is very challenging because of the number of grants (currently 30) and the complexity and variety of grant requirements. She is assisted by the resource development administrator, who completes many grant reports and invoices the funders as necessary. LSC's Office of Compliance and Enforcement reports that its last visit uncovered no significant compliance issues that weren't addressed and that the program has effective systems in place to ensure compliance. The reports from other funding sources that LSC reviewed indicate that the program has an excellent record of complying with funder requirements.

While planning for dealing with natural disasters is a requirement for all programs, it is particularly so for programs, like this one, that are in regions subject to hurricanes. The program has excellent policies in place to deal with the contingency of an emergency.

Finding 16. The office of financial administration has experienced, credentialed staff members. The program has and follows financial policies, procedures and practices that comport with the applicable requirements.

The controller is a certified public accountant and has been with the program for four years. She is assisted by the staff accountant who is also a CPA and by the senior finance accountant who has many years of experience with the program. The program's manual was developed by a consultant; it conforms to the requirements of the LSC Audit Guide for Recipients and Auditors.

The program's audits have been unqualified for several years. The evaluations performed by other grantors that the team reviewed uniformly indicate that the program's fiscal oversight adheres to those grantors' standards.

The board has an audit committee headed by the board treasurer. The committee meets between board meetings. The committee chair praises the controller and her staff and

indicates that the program's fiscal management is very strong. The board members spoken to indicated that they received timely and appropriate information on year to date spending and income as well as the development of the budget.

Finding 17. The program maintains effective human resources policies and practices.

The director of operations and human resources, while newly assigned to this position, is well qualified for it. She is an attorney with considerable experience and is working hard to expand her expertise in the laws and procedures relevant to human resources. She is assisted by the human resources assistant who has several years of experience in the area.

The program's personnel policies are written and easily accessible. They are on-line on the program's intranet and are promptly revised as necessary. The staff the team interviewed did not indicate problems with personnel policies or their application.

The human resources unit oversees the staff evaluation process and staff training function. The office makes sure that scheduled evaluations take place on time and are filed. The unit is responsible for the new lawyer orientation that the program offers each year. The program also arranges for a good deal of in-house training. Non-attorney staff receive training on a regular basis. They also oversee the training budget to make sure that it is allocated appropriately. The human resources assistant makes arrangements for training outside of the program

As noted above, considerable effort has gone into assuring diversity and cultural competence. The program has a very diverse staff with significant language skills. Training in diversity and cultural competence is close to ubiquitous. The staff members that the team interviewed noted that the program's efforts are successful; tensions related to ethnicity were not reported.

Finding 18. LSGMI management has systems for regular communications to staff. The Guiding Coalition provides a structure for suggestions from staff to management.

The monthly attorney meetings, monthly legal work supervisor meetings, the monthly administrative staff meetings and periodic unit meetings are among the means of communicating what is happening in the program. These are supplemented by emails. The staff the program spoke to concluded that they are made aware of what is happening in the program. Some staff members expressed a desire for periodic all-staff meetings. Administrative staff particularly are interested in hearing of the legal work that the program is doing.

It appears clear that morale has improved in the last several years. Several staff members we spoke to credited the visioning efforts and the Guiding Coalition with having had a favorable effect on morale. The visioning effort is seen as signaling management's

interest in a unified vision developed by input from all and the Guiding Coalition is seen as a process for getting and considering areas for change.

Not all staff members concluded that program morale was as good as it could be. Some perceive that LSGMI is run exclusively from the top down. Others believe that their input is not valued. Other perceptions include the feeling that the program is administrative-heavy or that supervisors and attorneys don't do enough legal work. It is clear that the program has worked on these issues and that that the work has been salutary. The team encourages LSGMI management to continue its efforts to foster an open and communicative environment.

Finding 19. LSGMI has a sound technology infrastructure to support staff work. The technology the program has is not being used to its full capacity. A technology planning effort is underway to address training and other needs.

The program's infrastructure is maintained by the systems manager, the program's only information technology staff member. With the exception of the telephone system, addressed in Finding 4, LSGMI has a sound technology infrastructure to support staff work. There is a virtual private network connecting all offices, with good server structure for file storage and email support. Backups are done daily and kept away from the office. The program is planning on establishing a remote back up in case of disasters. They are conscientious on backups and are working on disaster planning.

The current staffing does not allow for the expanded utilization of technology that the program wants. The technology budget is not well-defined and does not account for staffing to maintain and grow desired systems such as the paperless office and video-conferencing.

The program has just moved to the LegalServer case management system (CMS). While there are problems with it, many of the staff members who use it intensely find it to be an improvement. Advocate staff are not yet using it for case notes; managers therefore can't rely on it as an oversight tool. There are some components of LegalServer that the program does not appear to have.

The program does not effectively utilize the statewide website, www.FloridaLawHelp.org. While LSGMI is a member of the stakeholder committee and supplies documents to the site, the statewide website is underutilized. Few staff members that the team spoke to knew it existed; no one interviewed referred applicants or clients to it or were aware of the client resources on it. LSGMI's new website is comprehensive and attractive. It has extensive legal content, but does not link to the statewide website.

Technology and systems trainings are not currently part of the professional development plan for staff. These trainings are mostly ad hoc and purely voluntary. This is particularly true of training for the new case management system, LegalServer. It has many features not being used, such as the ability to write certain reports and to track call backs. There is

also little training and support on word processing, spreadsheet and presentation software.

The technology planning effort is off to a good start. The team that works on technology planning is a representative cross section of the staff. The goals they have identified are appropriate for the program; they have a good plan for learning about new technologies; they recognize the value of training and are planning some soon.

Recommendations

IV.19.1. The program should develop a more fully defined technology budget that accounts for maintaining and growing systems, including new initiatives such as a paperless office and video conferencing. It is encouraged to consider additional staffing for the function.

IV.19.2. Technology and systems training should be part of a professional development plan for staff. Just as with continuing legal education, these should be mandatory, not voluntary. It should include training on the CMS and on standard production software. In the case of LegalServer there also needs to be a review of the available features to make sure that its software has all that is needed.

IV.19.3. The program needs to train staff on the resources available for clients and advocates on the statewide website. Outreach should be done with client groups, libraries, other legal services providers, social service agencies, and community based organizations to acquaint them with this resource to provide legal information and self-help tools for their constituencies.

D. Resource Development and Maintenance

Finding 20. LSGMI has a very effective resource development operation. It identifies needs and then takes steps to get funding to address the need. It is beginning a major fund raising drive.

The program has sufficient, trained and effective staff dedicated to resource development. They have recently hired a development director. They have developed 30 funding sources in addition to LSC; these sources account for 39% of their income. While that is a relatively small percentage in absolute terms, it demonstrates a significant fundraising effort considering that the Florida Bar Foundation's funding for Region 7 is split among several organizations.

The effort's focus is on maintaining and increasing current resources in the areas of the clients' needs. When the program decides to develop a new project based on an identified need, it begins the project without new funding, then takes the initial results to funders and asks for support. This year, in conjunction with their needs assessment, they are working on four identified areas of need – a children's legal medical-legal project, a military legal advocacy project, a debt collection project and an employment rights project.

At the time of our visit, the program was about to begin a major private bar fundraising drive. With the involvement of a legal services fundraising consultant, the board's fundraising committee has help from a larger fundraising advisory committee made up of prominent members of the legal community. The goal of the committee is to raise \$1 million per year for three years. The campaign kick-off, hosted by Senator Bob Graham, occurred on April 22nd. The executive director and two members of the board should be commended for attending the MIE fundraising conference and the ABA Section of Litigation fundraising training to prepare for the program's campaign.

E. Integration and coordination.

Finding 21. LSGMI is active and effective in collaborating with other legal services delivery programs in the region and state. The Region 7 Impact Litigation project that it initiated and continues to lead is an example of its collaborative work.

Region 7 is recognized by the Florida Bar Foundation as the most integrated and coordinated region in the state. LSGMI has played and continues to play an active leadership role in the region's activities. It is a leader in planning trainings for the group.

The Region 7 Impact Litigation Project is an example of an outstanding coordinated effort. The program initiated it and is actively involved. Meetings are held almost monthly in the Miami office with a total of seven legal services providers participating. Guest speakers on particular issues are invited to the committee meetings. Usually about 25 persons attend the meetings. Issues of common concern are discussed and strategies are developed. Co-counseling opportunities have come from these meetings. Recently, the committee identified a problem with the adequacy of food stamp notices. A demand letter was sent to the State Department of Child and Family Services and a meeting was recently held with the Director of the Department. Another example of a case that came out of this coordination was a federal case against Immigration and Custom Enforcement on behalf of individuals who were unable to speak the oath of citizenship due to a disability.

The program works closely with Florida Legal Services and other state advocacy organizations in training, sharing litigation strategies and co-counseling cases. Many of the attorneys that the team spoke to are engaged in collaboration efforts with other groups at the state level. The co-supervising attorney for housing is active in the Florida Housing Umbrella Group. Many staff members are active participants in the Florida Legal Services listservs and other activities.